U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2003-00396 PROJECT LOCATION INFORMATION: New York State: County: Orange Center eoordinates of site (latitude/longitude): lat:41-17-12.9840 lon:74-24-0.0000 Approximate size of area (pareel) reviewed, including uplands: 147.436 aeres. Name of nearest waterway: Wheeler Creek HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Site visit(s) [X]Date(s): August 19, 2003 Jurisdictional Determination (JD): [] Preliminary ID - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 36.797 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands'. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish arc or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wheeler Creek flows to Quaker Creek, which flows to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	other:
[] other:	()
[] ******	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
[] Headquarters deelined to approve jurisdiction on th	e basis of 33 CFR part 328.3(a)(3).
[X] The Corps has made a case-specific determination	that the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment po	onds or lagoons, pursuant to 33 CFR part 328.3.
Artificially irrigated areas, which would revert t	o upland if the irrigation ceased.
[] Artificial lakes and ponds created by excavating	and/or diking dry land to collect and
retain water and which are used exclusively for	such purposes as stock watering, irrigation, settling hasins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
by excavating and/or diking dry land to retain w	vater for primarily aesthetic reasons.
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	s the definition of waters of the United States found at 33 CFR
[X] Isolated, intrastate wetland with no nexus to int	erstate commerce.
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf	
[X] Data sheets prepared/submitted by or on behalf of	• •
This office concurs with the delineation report, of	
[] This office does not concur with the delineation	
Data sheets prepared by the Corps.	· · · · · · · · · · · · · · · · · · ·
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographie m	aps: Pine Island, NY-NJ
U.S. Geological Survey 7.5 Minute Historic quadrar	
[] U.S. Geological Survey 15 Minute Historic quadran	
[X] USDA Natural Resources Conservation Service Soil	
[X] National wetlands inventory maps: Pine Island, NY	
[X] State/Local wetland inventory maps: Pine Island, N	
[] FEMA/FIRM maps (Map Name & Date):	1.2.1.2
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: August 19, 2	2003
	NOVO
[] Applicable/supporting case law:	
[] Other information (please specify):	

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2003-00606 PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site (latitude/longitude): lat:41-18-10.0080 lon:74-11-9.9960 Approximate size of area (parcel) reviewed, including uplands: 44.6 acres. Name of nearest waterway: Unnamed Tributary to Ramapo River Name of watershed: PASSAIC RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit(s) [X] Date(s): August 19, 2003 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 5.41 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairic potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe cannection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include intermittent streams which flow to the Ramapo River, which flows to the Passaic River, which is navigable.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

Lateral Extent of Jurisdiction: (Reference: 33 CFF [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the hank [X] the presence of litter and debris [X] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	R parts 328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markin	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we	etland delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment p [] Artificially irrigated areas, which would revert [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or other hy excavating and/or diking dry land to retain to the purpose of obtaining fill, sand, or gravel un ahandoned and the resulting body of water mee 328.3(a). [] Isolated, intrastate wetland with no nexus to interpretations.	the basis of 33 CFR part 328.3(a)(3). That the following waters present on the site arc not Waters of bonds or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. It is a gand/or diking dry land to collect and resuch purposes as stock watering, irrigation, settling basins, or resmall ornamental bodies of water created water for primarily aesthetic reasons. Elidental to construction activity and pits excavated in dry land for onless and until the construction or excavation operation is sets the definition of waters of the United States found at 33 CFR terstate commerce. Natural Resources Conservation Service. Explain rationale:
[X] Maps, plans, plots or plat submitted by or on behalf of [X] Data sheets prepared/submitted by or on behalf of [X] Data sheets prepared/submitted by or on behalf of [X] This office concurs with the delineation report, [X] This office does not concur with the delineation [X] Data sheets prepared by the Corps. [X] Corps' navigable waters' studies: [X] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic of [X] U.S. Geological Survey 7.5 Minute Historic quadra [X] U.S. Geological Survey 15 Minute Historic quadra [X] U.S. Geological Survey 15 Minute Historic quadra [X] U.S. Astural Resources Conservation Service So [X] National wetlands inventory maps: Monroc, NY [X] State/Local wetland inventory maps: [X] State/Local wetland inventory maps: [X] Other photographs (Name & Date): [X] Other photographs (Name & Date): [X] Other photographs (Date): [X] Advanced Identification Wetland maps: [X] Site visit/determination conducted on: August 19, [X] Applicable/supporting case law: [X] Other information (please specify):	alf of the applicant. If the a

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or harriers, natural river berms, beach dunes, and the like arc also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-00993 PROJECT LOCATION INFORMATION: State: New York Ulster County: Center coordinates of site (latitude/longitude): lat:41-38-9.7080 lon:74-17-2.5080 Approximate size of area (parcel) reviewed, including uplands: 131.7 acres. Name of nearest waterway: Unnamed Tributary to Shawangunk Kill Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) [X] Date(s): November 19, 2003 Jurisdictional Determination (JD): [] Proliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 48.95 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include unnamed tributaries to the Shawangunk Kill, which flows to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

[X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

Lateral Extent of Jurisdiction: (Reference: 33 CFR [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [X] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	parts 328 and 329) [] High Tide Line indicated by: [] oil or seum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared hy:
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water filled depressions created in dry land incit the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a). [X] Isolated, intrastate wetland with no nexus to interpretations.	e hasis of 33 CFR part 328.3(a)(3). that the following waters present on the site are not Waters of onds or lagoons, pursuant to 33 CFR part 328.3. o upland if the irrigation ceased. and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created vater for primarily aesthetic reasons. dental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR rerstate commerce.
[X] Maps, plans, plots or plat submitted by or on beha [X] Data sheets prepared/submitted by or on behal of [] This office concurs with the delineation report, a [] This office does not concur with the delineation [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographie m [] U.S. Geological Survey 7.5 Minute Historic quadran [] U.S. Geological Survey 15 Minute Historic quadran [X] USDA Natural Resources Conservation Service Soi [X] National wetlands inventory maps: Napanoch, NY [X] State/Local wetland inventory maps: Napanoch, NY [X] State/Local wetland inventory maps: (NGVD) [] Aerial Photographs (Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [X] Other photographs (Date): [X] Site visit/determination conducted on: November 1 [] Applicable/supporting case law: [] Other information (please specify):	If of the applicant. the applicant. dated , prepared by (company): report, dated , prepared by (company): haps: Napanoch, NY ngles: gles: il Survey: Ulster Co, NY

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00896

PROJECT	LOCATION	INFORMATI	ION:
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State: New York County: Orange

Center coordinates of site (latitude/longitude): lat:41-36-24.1200 lon:74-18-16.9200

Approximate size of area (parcel) reviewed, including uplands: 10.08 acres.

Name of nearest waterway: Unnamed Tributary to Dwaar Kill

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

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KISDIC HONA	L DETERMINATION		
Completed:	Desktop determination	[]	Date:
	Site visit(s)	[X]	Datc(s): November 17, 2004
Jurisdictional	Determination (JD):		
Unite			[] there appear to be (or) [] there appear to be no "waters of the the United States" on the project site. A preliminary JD is not appealable
[X] Approved J Check all th		pealable :	action (Reference 33 CFR part 331).
	e "navigable waters of the Ur e reviewed area. Approxima		es" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
	e "waters of the United State area. Approximate size of j		fined by 33 CFR part 328 and associated guidance) within the nal area: 8.34 acres.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate eommerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industrics in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland includes intermittent stream which is an unnamed tributary to the Dwaar Kill, which flows to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (forcshore)
changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	other:
[] other:	[] other.
[] other.	
Fill Many High Water Mark indicated has	
[] Mean High Water Mark indicated by:	- IT
[] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
•	
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR	
[] Headquarters declined to approve jurisdiction on the	
[] The Corps has made a case-specific determination the	nat the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment por	nds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	FF
[] Artificial reflecting or swimming pools or other s	small ornamental hodies of water created
by excavating and/or diking dry land to retain wa	
	lental to construction activity and pits excavated in dry land for
	ess and until the construction or exeavation operation is
	the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to inter	
	latural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	l on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	IINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf	
[X] Data sheets prepared/submitted by or on behalf of t	
[] This office concurs with the delineation report, d	• •
	· · · · · · · · · · · · · · · · · · ·
[] This office does not concur with the delineation	eport, dated , prepared by (company).
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic ma	
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadrang	
[X] USDA Natural Resources Conservation Service Soil	Survey: Orange Co, NY
[X] National wetlands inventory maps: Pine Bush, NY	
[X] State/Local wetland inventory maps: Pine Bush, NY	r
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: November 17	2004
[] Applicable/supporting case law:	, 200 .
[] Other information (please specify):	
[] Other information (please specify):	

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-01029 PROJECT LOCATION INFORMATION: State: New York County: Albany Center coordinates of site (latitude/longitude): lat.:42-46-21 long.:73-44-34 Approximate size of area (parcel) reviewed, including uplands: 98.66 acres. Name of nearest waterway: Salt Kill Name of watershed: Mohawk River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit(s) [X]Date(s): May 4, May 24, September 7, and Oetober 11, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.56 acre. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rulc Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [](3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: All wetlands on site (except Weland CC) are contiguous with and flow into tributaries of or directly into the Salt Kill which flows to the Mohawk River, which is navigable.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or dehris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
destruction of terrestrial vegetation	[] tidal gages
[] shelving	other:
[] other:	[]
[] other.	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical marking.	s: [] vegetation lines/changes in vegetation types
[] survey to available datum, [] physical marking.	s, [] vegetation fines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFF	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	
	hat the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment por	nds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	deli purposes us stock watering, irrigation, setting basins, or
[] Artificial reflecting or swimming pools or other	small amamental hodics of water created
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to into	
· · · · · · · · · · · · · · · · · ·	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	i on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	AINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behal	
[X] Data sheets prepared/submitted by or on behalf of t	
[] This office concurs with the delineation report, d	
[X] This office does not concur with the delineation	
Data sheets prepared by the Corps.	report, dated , prepared by (company).
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m.	
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadrang	
[X] USDA Natural Resources Conservation Service Soil	Survey:
[] National wetlands inventory maps:	
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Datc): April 2004	
[] Other photographs (Date):	
[] Advanced Idenrification Wetland maps:	
[X] Site visits	
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00327 PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site (latitude/longitude): lat:41-23-35.5200 lon:74-27-36.8640 Approximate size of area (parcel) reviewed, including uplands: 10.99 acres. Name of nearest waterway: Unnamed Tributary Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit(s) [X]Date(s): August 3, 2002 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Cheek all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.31 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 1 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include unnamed tributary to Catlin Creek, which flows to Rurgers Creek, which flows to the

[X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR	
[] Headquarters deelined to approve jurisdiction on the	basis of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination th	nat the following waters present on the site are not Waters of
the United States:	,
[] Waste treatment systems, including treatment por	nds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
-	such purposes as stock watering, irrigation, settling hasins, or
rice growing.	
[] Artificial reflecting or swimming pools or other s	
by excavating and/or diking dry land to retain wa	
[] Water-filled depressions created in dry land incid	lental to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unle	ess and until the construction or excavation operation is
	the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to inter	rstate commerce
	latural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	i on dry tand. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	UNATION (more all that apply).
	· · · · · · · · · · · · · · · · · · ·
[X] Maps, plans, plots or plat submitted by or on behalf	
[X] Data sheets prepared/submitted by or on behalf of t	
[] This office concurs with the delineation report, defined to the concurs with the delineation report with the deline	
[] This office does not concur with the delineation in	report, dated, prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic ma	aps: Middletown, NY
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadrang	
[X] USDA Natural Resources Conservation Service Soil	
[X] National wetlands inventory maps: Middletown, NY	
[X] State/Local wetland inventory maps: Middletown, N	łΥ
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: August 3, 200	05
[] Applicable/supporting case law:	
[] Other information (please specify):	
L 1 Other information (blease specify).	

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river herms, heach dunes, and the like are also adjacent.